

Assembly Bill No. 144

CHAPTER 415

An act to amend Section 1465.6 of the Penal Code, and to amend Sections 4461, 4463, 22511.57, 40203.5, and 42001.3 of, and to add Sections 40200.1 and 40203.6 to, the Vehicle Code, relating to vehicles.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 144, Ma. Vehicles: distinguishing placards and special license plates.

(1) Existing law prohibits a person to whom a disabled person placard has been issued from lending the placard to another person, and prohibits a disabled person from knowingly permitting the use of the placard, or special license plates for a disabled person or disabled veteran, for parking purposes by one not entitled to the placard or license plates. Existing law also generally prohibits a person from displaying a disabled person placard that was not issued to him or her or that has been canceled or revoked as specified, and prohibits a person using a vehicle displaying special license plates issued to another person from parking in specified parking stalls or spaces designated for disabled persons, unless transporting a disabled person. A violation of any of those prohibitions is a misdemeanor punishable by a fine of not less than \$250 and not more than \$1,000, imprisonment in the county jail for not more than 6 months, or both that fine and imprisonment. Existing law also provides that a person who, with fraudulent intent, displays or causes or permits to be displayed a forged, counterfeit, or false disabled person placard is guilty of a misdemeanor, punishable by a fine of not less than \$500 and not more than \$1,000, imprisonment in a county jail for 6 months, or both that fine and imprisonment.

This bill would make all of those violations punishable as either a misdemeanor or by the issuance of a notice of parking violation. If treated as a parking violation, a violation would be punishable by a civil penalty of not less than \$250 and not more than \$1,000. The punishment would remain the same for a violation treated as a misdemeanor, except that the fine for a misdemeanor punishment for a person who, with fraudulent intent, displays or causes or permits to be displayed a forged, counterfeit, or false disabled person placard would be not less than \$250, rather than not less than \$500, and not more than \$1,000.

(2) Existing law authorizes a local authority, as defined, by ordinance or resolution, to prohibit or restrict the parking or standing of a vehicle on streets or highways or in a disabled person's parking space at an offstreet parking facility within its jurisdiction when the vehicle displays a distinguishing placard issued to a disabled person or disabled veteran, and

the records of the Department of Motor Vehicles indicate that the placard has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or was issued to a person who has been reported as being deceased for a period exceeding 60 days.

This bill, instead, would authorize a local authority, by ordinance or resolution, to prohibit or restrict the parking or standing of a vehicle on one of those areas in its jurisdiction when the vehicle displays that distinguishing placard, a temporary distinguishing placard, or a special license plate issued to a disabled person, disabled veteran, or specified organizations, and the records of the department indicate the placard or license plate has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or was issued to a person who has been reported deceased for a period exceeding 60 days; the placard or license plate is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the placard or license plate was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate; or the placard or license plate is counterfeit, forged, altered, or mutilated. Because a violation of these provisions would be an infraction, the bill would impose a state-mandated local program.

(3) Existing law imposes specified fines on a person convicted of a first, 2nd, 3rd, or subsequent offense related to parking or leaving a vehicle without a distinguishing placard or special license plate in a parking space designated for disabled persons and disabled veterans, blocking access to those parking spaces, or parking or leaving standing a vehicle on the lines marking the boundaries of one of those parking spaces or in any area of the pavement adjacent to one of those parking spaces that is marked by crosshatched lines and is designated for the loading and unloading of vehicles parked in the parking space.

This bill, instead, would make a person who commits one of those offenses subject to either the issuance of a civil notice of parking violation imposing a civil penalty of not less than \$250 and not more than \$1,000 or a criminal notice to appear punishable, as specified, as an infraction.

(4) Existing law requires an additional assessment equal to 10% of the fine, penalty, or forfeiture imposed under specified provisions of the Vehicle Code to be imposed by each county for a violation of specified provisions of the Vehicle Code.

This bill would revise and recast these provisions to also require that an additional assessment be imposed of 10% of the penalty established for purposes of a violation described in (2) above.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 1465.6 of the Penal Code is amended to read:

1465.6. (a) In addition to an assessment levied pursuant to Section 1465.5 of this code, or any other law, an additional assessment equal to 10 percent of the fine imposed under Section 42001.5, 42001.13, or 42002 of the Vehicle Code shall be imposed by each county for a criminal violation of the following:

- (1) Subdivisions (b), (c), and (d) of Section 4461 of the Vehicle Code.
- (2) Subdivision (c) of Section 4463 of the Vehicle Code.
- (3) Section 22507.8 of the Vehicle Code.
- (4) Section 22522 of the Vehicle Code.

(b) An assessment imposed pursuant to this section shall be deposited with the city or county where the violation occurred.

SEC. 2. Section 4461 of the Vehicle Code is amended to read:

4461. (a) A person shall not lend a certificate of ownership, registration card, license plate, special plate, validation tab, or permit issued to him or her if the person desiring to borrow it would not be entitled to its use, and a person shall not knowingly permit its use by one not entitled to it.

(b) A person to whom a disabled person placard has been issued shall not lend the placard to another person, and a disabled person shall not knowingly permit the use for parking purposes of the placard or identification license plate issued pursuant to Section 5007 by one not entitled to it. A person to whom a disabled person placard has been issued may permit another person to use the placard only while in the presence or reasonable proximity of the disabled person for the purpose of transporting the disabled person. A violation of this subdivision is subject to the issuance of a notice of parking violation imposing a civil penalty of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), for which enforcement shall be governed by the procedures set forth in Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 or is a misdemeanor punishable by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), imprisonment in the county jail for not more than six months, or both that fine and imprisonment.

(c) Except for the purpose of transporting a disabled person as specified in subdivision (b), a person shall not display a disabled person placard that was not issued to him or her or that has been canceled or revoked pursuant to Section 22511.6. A violation of this subdivision is subject to the issuance of a notice of parking violation imposing a civil penalty of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), for which enforcement shall be governed by the procedures set forth in Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 or is a misdemeanor punishable by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), imprisonment in the county jail for not more than six months, or both that fine and imprisonment.

(d) Notwithstanding subdivisions (a), (b), and (c), a person using a vehicle displaying a special identification license plate issued to another pursuant to Section 5007 shall not park in those parking stalls or spaces designated for disabled persons pursuant to Section 22511.7 or 22511.8, unless transporting a disabled person. A violation of this subdivision is subject to the issuance of a notice of parking violation imposing a civil penalty of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), for which enforcement shall be governed by the procedures set forth in Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 or is a misdemeanor punishable by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), imprisonment in the county jail for not more than six months, or both that fine and imprisonment.

(e) For the purposes of subdivisions (b) and (c), “disabled person placard” means a placard issued pursuant to Section 22511.55 or 22511.59.

SEC. 3. Section 4463 of the Vehicle Code is amended to read:

4463. (a) A person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for 16 months or two or three years, or by imprisonment in a county jail for not more than one year:

(1) Alters, forges, counterfeits, or falsifies a certificate of ownership, registration card, certificate, license, license plate, device issued pursuant to Section 4853, special plate, or permit provided for by this code or a comparable certificate of ownership, registration card, certificate, license, license plate, device comparable to that issued pursuant to Section 4853, special plate, or permit provided for by a foreign jurisdiction, or alters, forges, counterfeits, or falsifies the document, device, or plate with intent to represent it as issued by the department, or alters, forges, counterfeits, or falsifies with fraudulent intent an endorsement of transfer on a certificate of ownership or other document evidencing ownership, or with fraudulent intent displays or causes or permits to be displayed or have in his or her possession a blank, incomplete, canceled, suspended, revoked, altered, forged, counterfeit, or false certificate of ownership, registration card, certificate, license, license plate, device issued pursuant to Section 4853, special plate, or permit.

(2) Utters, publishes, passes, or attempts to pass, as true and genuine, a false, altered, forged, or counterfeited matter listed in paragraph (1) knowing it to be false, altered, forged, or counterfeited.

(b) A person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in a county jail for six months, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), or both that fine and imprisonment, which penalty shall not be suspended:

(1) Forges, counterfeits, or falsifies a disabled person placard or a comparable placard relating to parking privileges for disabled persons

provided for by a foreign jurisdiction, or forges, counterfeits, or falsifies a disabled person placard with intent to represent it as issued by the department.

(2) Passes, or attempts to pass, as true and genuine, a false, forged, or counterfeit disabled person placard knowing it to be false, forged, or counterfeited.

(3) Acquires, possesses, sells, or offers for sale a genuine or counterfeit disabled person placard.

(c) A person who, with fraudulent intent, displays or causes or permits to be displayed a forged, counterfeit, or false disabled person placard, is subject to the issuance of a notice of parking violation imposing a civil penalty of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), for which enforcement shall be governed by the procedures set forth in Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 or is guilty of a misdemeanor punishable by imprisonment in a county jail for six months, a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000), or both that fine and imprisonment, which penalty shall not be suspended.

(d) For purposes of subdivision (b) or (c), “disabled person placard” means a placard issued pursuant to Section 22511.55 or 22511.59.

(e) A person who, with intent to prejudice, damage, or defraud, commits any of the following acts is guilty of an infraction, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100) and not more than two hundred fifty dollars (\$250) for a first offense, not less than two hundred fifty dollars (\$250) and not more than five hundred dollars (\$500) for a second offense, and not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000) for a third or subsequent offense, which penalty shall not be suspended:

(1) Forges, counterfeits, or falsifies a Clean Air Sticker or a comparable clean air sticker relating to high occupancy vehicle lane privileges provided for by a foreign jurisdiction, or forges, counterfeits, or falsifies a Clean Air Sticker with intent to represent it as issued by the department.

(2) Passes, or attempts to pass, as true and genuine, a false, forged, or counterfeit Clean Air Sticker knowing it to be false, forged, or counterfeited.

(3) Acquires, possesses, sells, or offers for sale a counterfeit Clean Air Sticker.

(4) Acquires, possesses, sells, or offers for sale a genuine Clean Air Sticker separate from the vehicle for which the department issued that sticker.

(f) As used in this section, “Clean Air Sticker” means a label or decal issued pursuant to Sections 5205.5 and 21655.9.

SEC. 4. Section 22511.57 of the Vehicle Code is amended to read:

22511.57. A local authority may, by ordinance or resolution, prohibit or restrict the parking or standing of a vehicle in a disabled person’s parking stall or space on streets or highways, or a disabled person’s parking stall or space in a privately or publicly owned or operated offstreet parking facility within its jurisdiction when the vehicle displays, in order to obtain special parking privileges, a distinguishing placard or special license plate, issued

pursuant to Section 5007, 22511.55, or 22511.59, and any of the following conditions are met:

(a) The records of the Department of Motor Vehicles for the identification number assigned to the placard or license plate indicate that the placard or license plate has been reported as lost, stolen, surrendered, canceled, revoked, or expired, or was issued to a person who has been reported as deceased for a period exceeding 60 days.

(b) The placard or license plate is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the license plate or placard was issued or a person who is authorized to be transported in the vehicle displaying that placard or license plate.

(c) The placard or license plate is counterfeit, forged, altered, or mutilated.

SEC. 5. Section 40200.1 is added to the Vehicle Code, to read:

40200.1. A person shall not be subject to both a notice of parking violation and a notice to appear for the same violation.

SEC. 6. Section 40203.5 of the Vehicle Code is amended to read:

40203.5. (a) The schedule of parking penalties for parking violations and late payment penalties shall be established by the governing body of the jurisdiction where the notice of violation is issued. To the extent possible, issuing agencies within the same county shall standardize parking penalties.

(b) Parking penalties under this article shall be collected as civil penalties.

(c) (1) Notwithstanding subdivision (a) the penalty for a violation of Section 22507.8 or an ordinance or resolution adopted pursuant to Section 22511.57 shall be not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000).

(2) The issuing agency may suspend the imposition of the penalty in paragraph (1), if the violator, at the time of the offense, possesses but failed to display a valid special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.

(3) A penalty imposed pursuant to this subdivision may be paid in installments if the issuing agency determines that the violator is unable to pay the entire amount in one payment.

SEC. 7. Section 40203.6 is added to the Vehicle Code, to read:

40203.6. (a) In addition to an assessment levied pursuant to any other law, an additional assessment equal to 10 percent of the penalty established pursuant to Section 40203.5 shall be imposed by the governing body of the jurisdiction where the notice of parking violation is issued for a civil violation of any of the following:

(1) Subdivisions (b), (c), and (d) of Section 4461.

(2) Subdivision (c) of Section 4463.

(3) Section 22507.8.

(4) An ordinance or resolution adopted pursuant to Section 22511.57.

(5) Section 22522.

(b) An assessment imposed pursuant to this section shall be deposited with the city or county where the violation occurred.

SEC. 8. Section 42001.13 of the Vehicle Code is amended to read:

42001.13. (a) A person who commits a violation of Section 22507.8 is subject to either a civil notice of parking violation pursuant to Article 3 (commencing with Section 40200) or a criminal notice to appear.

(b) If a notice to appear is issued and upon conviction of an infraction for a violation of Section 22507.8, a person shall be punished as follows:

(1) A fine of not less than two hundred fifty dollars (\$250) and not more than five hundred dollars (\$500) for the first offense.

(2) A fine of not less than five hundred dollars (\$500) and not more than seven hundred fifty dollars (\$750) for the second offense.

(3) A fine of not less than seven hundred fifty dollars (\$750) and not more than one thousand dollars (\$1,000) for three or more offenses.

(c) The court may suspend the imposition of the fine if the person convicted possessed at the time of the offense, but failed to display, a valid special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.

(d) A fine imposed under this section may be paid in installments if the court determines that the defendant is unable to pay the entire amount in one payment.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.